



CRM-M-17046-2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17046-2020
Date of Decision: 08.08.2025

Sukhwinder Kaur @ Sukhi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishu Garg, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

Mr. R.K. Singla, Advocate
for respondent No.5.

Mr. J.K. Singla, Advocate
for respondent No.6.

ANOOP CHITKARA, J.

1. Seeking initiation of an inquiry against the respondents No. 5 and 6 for swearing false affidavits in CRWP No. 3673 of 2020 by giving wrong information and misguiding the Court, the petitioner had come up before this Court by filing the present petition under Section 340 CrPC in the year 2020.

2. Petitioner claims that she was legally married wife of respondent No.6 and the marriage was performed on 13th of December 2017 and from this marriage, child was also born in the year 2018. The petitioner has also annexed the photographs of marriage and birth certificate of the child along with the marriage certificate. Petitioner further claims that she was harassed, tortured and cruelty was met to her by respondent No.6 who had illicit relationships with respondent No.5. Her grievance is that whenever she objected about the illicit relationship, her husband would beat her badly and he also threw her out of the house. Her further claim is that in May, 2020 she was again brutally beaten up by respondent No.6 and was thrown out of the matrimonial house and she had to leave for her maternal house along with the child. The intervention of the Panchayat was made due to which respondents No.5 and 6 ran away from their houses and also took the istridhan and jewelry of the petitioner.

3. Petitioner claims that her husband respondent No.6 performed a marriage with respondent No.5 in Gurudwara Dashmesh Pita Patasani Desi in village Singa Devi,



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District Mohali. She further submits that at the time of performing the marriage, the respondents concealed the factum of marriage of respondent No.6 with the petitioner and also about the birth of a child. After performing an illegal marriage, they approached this Court seeking protection of their life and liberty from the family members of the petitioner and other people. In the said protection petition, respondents No.5 and 6 clearly mentioned their illicit relationship.

4. Petitioner claims that in the said protection petition, what was mentioned is that the family members had got annoyed when they decided to marry but the fact of the earlier marriage was concealed. In para no.13, it was explicitly mentioned that petitioners were unmarried and also that the marriage was their first marriage. In the reply filed by the State, it has been mentioned that an FIR under Section 498A, 494, 379 IPC was registered against the respondent for harassing and meting out cruelty against the petitioner. Respondent No.5 has also filed her reply. Respondent No.5 has referred to an order dated 30.06.2020 passed by Principal Judge of Family Court. It has been mentioned that petition was filed under Section 12 (i) (c) of the Hindu Marriage Act. Perusal of the petition and the reply points out some disputed questions. Once the fact of marriage and divorce petition and other facts are disputed, it is not for this Court to initiate an inquiry under Section 340 CrPC. It is for the reason that when the facts are disputed, every party has a right to confront the same at appropriate stage before an appropriate forum and this Court does not want itself to be converted into such a forum in a private dispute of the parties. A reference would also be made to order dated 22.04.2021 passed by Co-ordinate Bench of this Court in which it was observed that in the villages people know about marital status and despite being matrimonial dispute, the Co-ordinate Bench refrained from passing any order holding respondent No.5 and 6 guilty of commission of any offense punishable under provisions of Contempt of Courts Act, 1971. When the FIR for the offence under Section 494 IPC is there, so answer of every question will come in the trial.

5. The most significant aspect of the present case is that while deciding CRWP No. 3673 of 2020 i.e. protection matter, a Co-ordinate Bench of this Court had clearly observed that protection of life is the fundamental right of every citizen under Article 21 of Constitution of India and as such without making any comments on the validity of the marriage, the said writ petition was disposed of by directing the State to ensure that the lives and liberties of the petitioners are not put to any harm or threats at the hands of the private respondents.

6. Self-preservation is the most basic human instinct. People go to great lengths to save their own lives and those of their families, friends, colleagues, and even strangers. Protecting life is at the center of India's Constitution, and the denial of such protection



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might lead to the collapse of the foundation and implosion of the core. Considering the relief sought by the private respondent in the protection petition, which is so vital for saving life, this Court does not find it appropriate to initiate a proceeding under 340 CrPC.

7. **Petition dismissed.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.